

REMARKS/ARGUMENTS

Status

This is a Reply to the Office Action mailed January 12, 2009, in which the following rejections were set forth: Claims 1-4, 29-31, and 37-41 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,419,983, issued to Kreuzer, (“*Kreuzer*”) in view of U.S. Patent No. 5,033,203, issued to Chang et al., (“*Chang*”); Claims 5-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kreuzer* in view of *Chang* in further view of U.S. Patent No. 6,898,868, issued to Vermeulen, (“*Vermeulen*”); Claims 11-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kreuzer* in view of *Chang* in further view of U.S. Patent No. 7,105,206, issued to Beck et al., (“*Beck*”); Claims 19-28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kreuzer* in view of *Chang* in further view of U.S. Patent No. 2,498,339, issued to Miskella, (“*Miskella*”); Claims 32-36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kreuzer* in view of *Chang* in further view of U.S. Patent No. 4,785,552, issued to Best, (“*Best*”); and, the Title of the application has been objected to because of its length.

By this response, Claim 1 has been amended, and no claims have been added or cancelled. As such, Claims 1-41 are pending in this application.

Specification Objection

The Title of the application is less than 500 characters in length. As such, Applicant asserts that the Title is in compliance with 37 C.F.R. § 1.72 and therefore respectfully requests that the objection to the Title be removed and the application be allowed to issue.

Claim Rejections

Applicant asserts that Claim 1 as initially filed is in accordance with U.S. patent practice. More specifically, the U. S. Court of Appeals for the Federal Circuit “has consistently interpreted ‘including’ and ‘comprising’ to have the same meaning, namely, that the listed elements . . . are essential but other elements may be added.” See *Amgen Inc. v. Hoechst Marion Roussel, Inc.*, 314 F.3d 113, 1344-45 (Fed. Cir. 2003). Nevertheless, in an effort to further advance the application toward allowance, Applicant has amended Claim 1 to more particularly point out and distinctly claim that which Applicant regards as the invention.

In view of the Examiner's construction of the claims, the relied upon prior art not surprisingly has very little in common with Applicant's amended Claim 1. That is, *Kreuzer* fails to disclose, at least, an electromagnetic radiator, a lifting truck, and a motor for adjusting the height of a lifting platform.

To further consider but one example, *Kreuzer* fails to disclose "the height of which lifting platform relative to the running gear can be adjusted by means of a motor, and in that the at least one radiator is arranged in such a manner that the lifting truck and the object located thereon can be guided through under the at least one UV radiator." In contrast, *Kreuzer's* mounting frame 7 is spaced apart a constant distance from its return rails 27. As such, *Kreuzer* fails to disclose the variable spacing between the "lifting platform" and the "running gear" being adjustable by means of a motor. Moreover, the other cited prior art fails to compensate for the shortcomings of *Kreuzer* to disclose, or even suggest, at least these claimed elements.

Therefore, because the relied upon prior art fails to disclose each and every element of Applicant's amended Claim 1, Applicant submits that Claim 1—as well as all claims ultimately depending thereon—is in condition for allowance and respectfully requests the rejection of the claims be removed and all pending claims be allowed to issue.

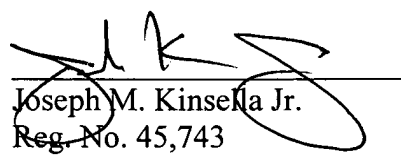
CONCLUSION

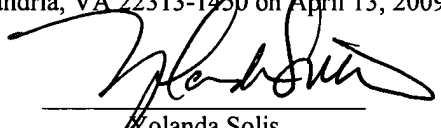
Based upon the above amendments and remarks, Applicant respectfully requests that all rejections be removed and all pending claims be passed to issuance.

Applicant believes that no fees are required with this communication, however if any charges or fees must be paid in connection with this communication, the Commissioner is authorized to deduct such charges or fees from Applicant's Deposit Account No. 50-0545.

Respectfully submitted,

Dated: April 13, 2009


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CERTIFICATE OF MAILING
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope Addressed to: Mail Stop Amendment Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 13, 2009</p> <p> Yolanda Solis</p>